

EXHIBIT B



Re: Non-compliance with injunction in *NADOHE v. Trump*, 1:25-cv-333-ABA (D.Md.)

Counsel:

We are writing further to our conversations in February, our email from March 11, as well as your response today (March 13). In your latest response, you indicated that DOJ has purportedly “taken appropriate steps to inform non-defendant entities of [the Order’s] scope,” and that sharing any notices or details with us “is neither necessary nor appropriate.”¹

But recent reports reveal that federal agencies are in escalating and widespread disregard of the Court’s Order.² We intend to request an emergency status conference with the Court in short order. Please inform us of your position no later than 4pm ET on March 13, 2025.

Several concerning actions are listed below, relating largely to events post-dating the Court’s clarification order. We bring these instances to your attention as notice of violations of the Preliminary Injunction, which suggest that the Government’s counsel have not taken appropriate steps to ensure compliance with the Preliminary Injunction.

It appears that agencies have not not fully reinstated grants and contracts that were wrongly terminated or frozen from January 20 onwards, have not communicated the removal of any certification requirements to counterparties, and have not communicated the end of any threat of enforcement stemming from the Enjoined Provisions to targets of enforcement. If any agency has cancelled, frozen, or altered grants or contracts, required certifications, or threatened investigation on the basis that grantees or contractors (or subcontractors or subgrantees) supported, promoted, advanced were involved in, had grants/contracts related to “DEI,” “DEIA,” or environmental justice ideas—whether termed “illegal” or in violation of federal antidiscrimination laws or not—please immediately ensure all such agency actions are reversed forthwith.

Sincerely,

Counsel for Plaintiffs
Democracy Forward Foundation
Asian Americans Advancing Justice | AAJC

¹ This is the second time you have refused to provide us any details about your compliance with the Court’s Orders, see ECF Nos. 50-4 and 50-5 (emails dated February 25, 2025), and, despite being on notice of severe and ongoing violations of the Order, have failed to provide us with any further information about what you have done to ensure federal agencies comply with the Court’s orders.

² Asawin Suebsaeng & Andrew Perez, Trump Officials Are ‘Pretending’ A Judge Didn’t Bar His Anti-Diversity Orders, Rolling Stone, <https://perma.cc/4FO9-FPCA>.

- On March 10, two hours after the Court’s clarification order, Administrator Zeldin of the Environmental Protection Agency announced the cancellation of 400 DEI and environmental justice grants. <https://perma.cc/CF9B-UU8H>. We understand that those cuts have taken place or are imminently to take place, and that they are part of a [series](#) of cuts EPA has [characterized](#) as made “to implement President Trump’s executive orders, including the ‘Ending Radical and Wasteful Government DEIA Programs and Preferencing,’ as well as subsequent associated implementation memos.” There is no notice regarding the Court’s Order on the EPA website.
- On March 11, a major state university system received a grant termination letter from the Environmental Protection Agency on the basis that the “Agency’s grants do not support programs or organizations that promote or take part in diversity, equity, and inclusion (‘DEI’) initiatives, ‘environmental justice’ initiatives, and conflict with the Agency’s policy of prioritizing merit, fairness, and excellence in performing our statutory functions...”
- On March 11, the Secretary of the Department of Housing and Urban Development stated that a municipality’s disaster relief plan would be rejected for DEI-related provisions, even though the money was originally allocated by the prior Presidential administration to meet unmet needs after Hurricane Helene. He stated: “let me be clear DEI is dead at HUD. We will not provide funding to any program or grantee that does not comply with President Trump’s executive orders.” There is no reference to the preliminary injunction on the HUD website. <https://perma.cc/W63U-ZGXJ>, <https://perma.cc/YNR6-RGXT>
- According to an article on March 11, the Department of Housing and Urban Development was still engaging in cuts to federal contracts based on review of nonprofit websites for reference to DEI as late as February 26. This appears to be an escalation of prior cancellation to which we brought to your attention. <https://perma.cc/W5Q9-2X37>, <https://perma.cc/8H7G-NHLJ>
- Also on March 11, grant managers at the United States Department of Agriculture informed partners that, for existing agreements, grants, and contracts “regardless of the funding source, all activity on agreements, contract, and grants that are titled, or mention DEI, DEIA, Equity, or Environmental Justice will cease.”
- AmeriCorps has continued to require certifications around the country, despite having been specifically mentioned in the Court’s Order. We understand that AmeriCorps has not in practice rescinded its demand that AmeriCorps grantees certify compliance with the Executive Orders and their abandonment of diversity, equity, and inclusion, despite noting the preliminary injunction on its website.
- The National Institutes of Health, a part of the Department of Health and Human Services, issued a “Staff Guidance” for March 2025 on issuing awards or approving carryover of funds. That guidance prohibits any “support” of DEI activities. However, even in the event the “[p]roject does not support DEI activities, but may contain language

related to DEI (e.g., statement regarding institutional commitment to diversity in the ‘Facilities & Other Resources’ attachment and terminology related to structural racism—this is not all-inclusive),” NIH “must request an updated application/RPPR with the DEI language removed.” This Guidance appears to have been approved for use on February 28, 2025, one week after Judge Abelson’s order. There is no notice about the Court’s Order on the NIH website. <https://perma.cc/NC7H-JFY4>.

- On March 5, 2025, the State Department contacted grant recipients to verify that they “confirm that this is no DEI project or DEI elements of the project,” citing to the January 20 Executive Order, which includes the Termination Provision. <https://perma.cc/B3SB-X54X>.
- On February 24, 2025, after the Court’s order finding enforcement of the challenge provisions was likely unconstitutional, the Small Business Administration Administrator announced “a Memo on Day One Priorities” which stated that the SBA will “pause[] all grants across the agency that do not comply with President Trump’s executive orders,” including the anti-DEI EO orders. That memorandum, which outlines the agency’s priorities, is still available on the SBA’s website. The same website does not appear to include any mention of Judge Abelson’s orders. <https://perma.cc/9PJL-WSR2>.
- Grants awarded by the United States Department of Agriculture for urban tree planting were cancelled due to their apparent conflict with the Enjoined Provisions. Those grants do not appear to have been reinstated in the wake of the Court’s order even though we brought similar cancellations to your attention two weeks ago. <https://perma.cc/H5LE-YV75>.
- Three days after the Court’s February 21 Order, the Department of Education sent a blanket notice to universities informing them that “any work under your federal award related to the following activities must be suspended: Diversity, Equity, and Inclusion (DEI).” The Department of Energy sent similar messages to universities.